

REMARKS

Claims 24-29 were pending. Claims 25, 28, and 29 are canceled without prejudice or disclaimer by this amendment. Claims 24 and 27 are currently amended. New claims 40-70 are added by this amendment. No new subject matter is introduced.

Claim 24 has been amended to incorporate the limitations of claim 25.

Claim 27 has been amended to depend directly from claim 24 as currently amended.

New claims 40-53 depend from claim 24 as currently amended and are directed to compositions comprising polynucleotides comprising individual sequences recited in claim 24.

New claims 54-67 depend from claim 24 as currently amended and are directed to compositions comprising oligonucleotides consisting of individual sequences recited in claim 24. Support for the term "oligonucleotide" in these claims may be found throughout the specification, including, for example, at page 5, lines 19-24, and page 10, lines 18-21.

New claims 68 and 69, which depend from claims 40-53 and 54-67, respectively, incorporate the limitation of claim 26.

New claim 70 depends from claims 40-67 and incorporates the limitation of claim 27.

Information Disclosure Statement

It has come to the attention of the Applicants' representative that the Information Disclosure Statement (IDS) filed with the Form PTO 1390 on July 23, 1999, has not been acknowledged by the Examiner. Applicants received a return postcard stamped by the USPTO indicating that the IDS, Form 1449, and references cited therein were received by the USPTO on July 23, 1999. Copies of the IDS, Form 1449, and return postcard are enclosed herewith. The Examiner is requested to acknowledge receipt and consideration of the IDS.

Rejection of Claims 24-29 under 35 U.S.C. § 102

The Examiner indicated that claims 24-29 are rejected under 35 U.S.C. § 102 as being anticipated by a number of references (Hinrichs et al., Dolganov et al., Stanford et al., Levy et al., Green et al., Ono et al., Cha et al., Harada et al., Davis et al., and McKnight et al.). For reasons set forth below, Applicants respectfully request the Examiner to withdraw the rejection.

It is to be noted that claims 25, 28, and 29 are canceled hereby without prejudice.


On page 6 of the office communication the Examiner indicated that claims 24-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Davis et al. (U.S. Pat. No. 6,406,705). Applicants respectfully disagree because the 102(e) date of the Davis reference is its actual filing date, June 3, 1999. Applicants note that the 102(e) date of the instant application, February 22, 2000, is irrelevant to an assertion of the Davis reference against it. Davis does not anticipate the instant application under 35 U.S.C. § 102(e) because its 102(e) date (June 3, 1999) postdates the filing date of the instant application, namely, January 23, 1998, the international filing date of the PCT application which is the basis for the instant United States national phase application. Therefore, Applicants respectfully request the Examiner to withdraw all claim rejections over the Davis reference because the rejections appear to be in error.

None of the other references cited by the Examiner appear to make any disclosure involving nucleic acid molecules comprising sequences of claim 24 in combination with an antigen. Therefore, in view of the amendment of claim 24 to incorporate the limitation of claim 25, it is believed that all of the remaining claim rejections of claim 24 under 35 U.S.C. § 102 are overcome. The Examiner is therefore respectfully requested to withdraw her rejection of claim 24 under 35 U.S.C. § 102.

Summary

Applicants believe the application is in condition for allowance. A Notice of Allowance is earnestly solicited. Should the Examiner have any questions, she is requested to call Applicants' representative at the number shown below.

Respectfully submitted,
Wagner et al., Applicants

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